



Costs Decision

Site visit made on 17 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2021

Costs application in relation to Appeal Ref: APP/J3015/W/21/3274627 Former Bramcote Hills Golf Course, Thoresby Road, Bramcote, NG9 3EP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Champion Gate Ltd for a full award of costs against Broxtowe Borough Council.
 - The appeal was against the refusal of application Ref 20/00058/REM, dated 21 February 2020, which sought approval of details pursuant to condition No 2 of planning permission Ref 14/00677/OUT, granted on 28 February 2017. The details for which approval was sought were: appearance, landscaping, layout and scale.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council do not consider that they have behaved unreasonably and point out that the Planning Committee is entitled to come to an alternative view to the officers' recommendation. It is submitted that the Committee acted reasonably in weighing up the various aspects of the case.
4. I accept that the Council have correctly identified that a Planning Committee decision which goes against officer advice is not a reason to give an award of costs. As the Committee were entitled to come to their own conclusions on the merits of the proposal.
5. It will be seen from my decision that I have found harm related to the living conditions of neighbouring residents, with particular regard to the developments scale and appearance and that this failed to accord with the development plan and any other material considerations. Consequently, the Council has not acted unreasonably by preventing a proposal which should have clearly been permitted.
6. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 and the Broxtowe Borough Council, Part 2 Local Plan 2019 that the proposal would be

in conflict with. The reasons have been adequately substantiated by the Council in its appeal statement. The appeal statement demonstrates how the proposal would result in an unacceptable form of development as the statement has made clear reference to the proposal's impact on the living conditions of neighbouring residents.

7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
8. There is also reference to the conduct and advice of the Council and its officers during the planning application process and the extent to which Councillors failed to properly consider the evidence before them. However it is clear that these matters were fully debated by the Planning Committee and that advice was given to the Committee about the validity of images shown during the discussion of the item.
9. The apportionment of weight is a matter for the decision maker, and in this case, there is no evidence to suggest that the Planning Committee attached an undue amount of weight to the images displayed by objectors, or that it gave them a greater significance in its decision-making process than it gave to national and local planning policies. I consider that the Council has not behaved unreasonably in this respect.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G Pannell

INSPECTOR